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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,396	07/03/2003	Karsten Andersen	032287-102	4469
7590	05/04/2005		EXAMINER	
Robert E. Krebs Thelen Reid & Priest LLP P.O. Box 640640 San Jose, CA 95164			GUTMAN, HILARY L	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/613,396	ANDERSEN ET AL.
	Examiner Hilary Gutman	Art Unit 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 9-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/6/03 &amp; 10/15/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Claim 8 is hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 2/22/05.

Applicant's election with traverse of species A in the reply filed on 2/22/05 is acknowledged. The traversal is on the ground(s) that the restriction requirement was inappropriate since the restriction was based on claims. This is not found persuasive because the examiner asserts the restriction was based on the claims as originally filed and is therefore appropriate. Specifically, species A is directed to claims 1-7 and 9-10 and species B is directed to claim 8. Claim 11 was found to be generic. For this reason, the requirement is still deemed proper and is therefore made FINAL.

### *Claim Objections*

2. Claim 9 is objected to because of the following informalities: on line 4, "of" should be inserted after "floor". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Mowatt-Larssen et al.

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For claim 7, Mowatt-Larssen et al. (3,971,491) disclose a pedestal system to selectively connect a railroad car to a cargo container comprising: a) a connector member having a port to connect to a twist lock; b) a support section to connect the connector member to the railroad car and spaced apart from the railroad car.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowatt-Larssen et al. in view of French.

Mowatt-Larssen et al. (3,971,491) disclose a system for transporting a first tank container having a first length and a second tank container having a second length, the system comprising: a railroad car (Figure 8) having a first end, a middle section and a second end; first bracket

means connected to each end of the first tank container; and second bracket means connected to each end of the second tank container.

Mowatt-Larssen et al. lack the first and second tank containers being first and second wind turbine sections.

Willis et al. (6,522,025) teach the transport of sections of a wind turbine.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided first and second wind turbine sections as taught by Willis et al. upon the railroad car of Mowatt-Larssen et al. in place of the tank containers in order to allow sections of a wind turbine to be transported.

Mowatt-Larssen et al., as modified, lack first, second, and third pedestal means as well as locking means to releasably connect the bracket means to the pedestal means.

French (4,745,952) teaches first pedestal means affixed to the deck of the first end of a truck; second pedestal means affixed to the deck of the middle section of the truck; third pedestal means affixed to the deck of the second end of the truck; and locking means to releasably connect bracket means of a container to said pedestal means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided first, second, and third pedestal means as well as locking means as taught by French to the system of Mowatt-Larssen et al., as modified, in order to better secure the turbine sections.

With regard to claim 2, said first bracket means comprises a first bracket connected to the first end of the first tower section and a second bracket connected to the second end of the first tower section; and said second bracket means comprises a third bracket connected to the first end

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of the second tower section; and, a fourth bracket connected to the second end of the second tower section.

With regard to claim 3, said first pedestal means is spaced apart from said second pedestal means a distance so that when said first bracket is connected to said first pedestal means, said second bracket is located to cooperate with said second pedestal means.

With regard to claim 4, said first pedestal means is spaced apart from said second pedestal means a distance so that when said third bracket is connected to said first pedestal means, said fourth bracket is located to cooperate with said third pedestal means.

With regard to claim 5, said first pedestal means and said third pedestal means are constructed and arranged to cooperate with twist lock connectors.

With regard to claim 6, said first pedestal means and said third pedestal means are spaced apart from each other a distance sufficient so that two cargo containers can be coupled to each other and located between said first pedestal means and said third pedestal means with the corner members of a first end of said first cargo container located to cooperate with said first pedestal means and the corner members of a second end of said second cargo container located to cooperate with said third pedestal means.

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Mowatt-Larssen et al. and Willis et al.

For claim 9, French (4,745,952) discloses a system for transporting tank containers, the system comprising: a) a vehicle car having a first end and a second end; b) first deck slot pedestal means affixed to the floor of the first end of said railroad car; c) second deck slot

pedestal means affixed to the floor said railroad car and spaced apart from said first deck slot pedestal means; d) end stop means (Figure 2) affixed to the floor of the first end of said vehicle car; e) a first bracket connected to said first deck slot pedestal means, said first bracket being constrained from lateral motion by said end stop means; and, f) a second bracket connected to said second deck slot pedestal means.

With regard to claim 10, said first deck slot pedestal means is connected to said first bracket by twist lock connectors.

French lacks the vehicle car being a railroad car.

Mowatt-Larssen et al. (3,971,491) teach a railroad car for transporting goods.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the system of French upon a railroad car as taught by Mowatt-Larssen et al. in order to transport goods by rail.

French, as modified, lacks the tank containers being wind turbine sections.

Willis et al. (6,522,025) teach the transport of sections of a wind turbine.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have transported wind turbine sections as taught by Willis et al. in place of the tank containers of French in order to allow shipment of a wind turbine.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '523 in view of French and Mowatt-Larssen et al.

WO '523 discloses the process for transporting a wind turbine sections on vehicle car, the process comprising: a. partially disassembling the wind turbine into three types of components,

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nacelles, blades and tower sections; b. storing the blades in cargo containers suitable for use in multi-mode transportation; c. inherently mounting the nacelles on transport structures.

WO '523 lacks the step of affixing brackets to the tower sections.

French teaches placing cylindrical articles within container having brackets for easier transport.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided brackets as taught by French upon the tower sections in order to provide easier transport of these items.

WO '523, as modified, lacks the transport of the sections on a railroad car.

Mowatt-Larssen et al. (3,971,491) teach a railroad car for transporting goods.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have transported the sections of WO '523, as modified, upon a railroad car as taught by Mowatt-Larssen et al. in order to transport goods by rail.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**12. Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label  
“PROPOSED” or “DRAFT”).

  
Hilary Gutman  
April 14, 2005